

June 15, 2023

To the Board of Governors of WVU,

As concerned WVU faculty, we write to urge you to reject the proposed amendments to Faculty Rule 4.7.

We understand the Reduction in Force (RIF) is being activated in response to the budget crisis, but we ask you to address the financial situation in ways that strengthen rather than decimate our capacity to fulfill our land grant mission. We believe the RIF will damage the university's ability to deliver quality education and threaten its status as a research institution.

With Rule 4.7, the crucial link between the tenure system and academic freedom was broken. The proposed amendments further reduce faculty input and severance compensation.

2.2 Eliminates faculty input into developing a RIF plan with the Dean. Faculty would be involved only in the program review undertaken prior to the Dean developing a RIF plan "in the form and substance required by the Provost."

2.2.7 Deletes a provision requiring the Dean to describe "the extent to which faculty were involved in developing the [RIF] proposal," substituting a requirement that the Dean "describe the extent to which faculty were involved in the program review process that led to the RIF Plan."

3.1 Decreases the university's responsibility to help the RIF'd faculty member find alternate employment and eliminates the RIF'd faculty member's right of first refusal to open positions in their programs.

5.2 Reduces severance from "one year of Faculty Member's annual base pay" to a severance package "based upon a schedule approved by the Board," which we know to be 12 weeks at the most, with unfair disparities between packages for tenure-track and non tenure-track faculty.

5.3 Makes severance conditional on the employee releasing all claims against the university, "including its current and former agents, employees, board members, servants, and representatives," regardless of whether there is wrongdoing, discrimination, or negligence. This is tantamount to a forced relinquishing of rights.

6.9 Expands the definition of "program reduction" to include terminating faculty regardless of tenure, tenure-track, or multi-year contractual status.

Faculty Rule 4.7 does not define what constitutes sufficient cause for declaring a RIF. Further, the proposed amendments to Rule 4.7 explicitly exclude faculty from participating in developing the RIF plan. The Rule states that the Dean or Provost need only "give consideration" to "performance, knowledge and qualifications, and seniority." It does not protect employment based on excellence or experience, or ensure the RIF will not be used as "a performance management tool" (section 2.4). In sum, Rule 4.7 allows WVU to ignore faculty achievement, years of loyal service, and tenured or contractual status.

The RIF threatens to undo institutional accomplishments and impede WVU's future functioning in the following ways:

Recruitment and Hiring: WVU cannot recruit and retain high quality faculty, especially those from underrepresented groups, without a strong tenure and promotion process and job stability. Faculty Rule 4.7 renders contracts essentially meaningless. Needed hires have *already* declined offers because of the current RIF.

Academic Freedom: The RIF process undercuts academic freedom by removing protections against punitive and retaliatory job termination. As previous BOG policy recognized, "academic freedom is necessary to enable the institution to perform its societal obligation as established by the Legislature and

the Higher Education Policy Commission. The Board recognizes that the vigilant protection of constitutional freedoms is nowhere more vital than in the institution and campuses under its jurisdiction.” The RIF thus jeopardizes WVU’s mission in its entirety.

Research Intensive (R1) Carnegie Classification: An R1 designation depends on thriving graduate programs and faculty research productivity. The RIF, in conjunction with other budget cuts to graduate programs and increased fees on graduate students, would exacerbate problems recruiting PhD students with assurances of continuous grant-funded employment and/or consistent research supervision. In addition, faculty research agendas require long-range planning and implementation that depend on the continuity provided by the contract and tenure system. Further, the faculty who bring in the most research dollars are the most likely to be recruited elsewhere as the WVU’s tenure system becomes meaningless and its ability to support research programs declines.

Land Grant Mission: WVU faculty serve the residents of West Virginia by providing quality community service, research, and educational programming in areas of importance to West Virginia, such as teacher training, energy, health care, economic development, and cultural and environmental conservation, preservation, and enhancement. Many of these areas do not bring in large amounts of external funding (and some pay for themselves through external grants and contracts). The RIF will severely compromise WVU’s obligation to its tax-paying citizens.

Student Centered: Program cancellation, reduction of faculty, increased faculty course loads and class sizes, and reduced support staff all work against WVU’s goal to be “student-centered.”

Programs have already absorbed massive cuts that affect work productivity and teaching effectiveness, including the non-renewal of instructor contracts, non-replacement of faculty who have retired or left WVU, cuts to graduate teaching assistant lines, increased teaching loads, increased class sizes, increased fees on graduate and international students, and cuts to unit operating budgets.

Although WVU must respond to the budget deficit, the chosen approach of a RIF will impact academic freedom, program integrity, teaching effectiveness, research productivity, and labor conditions. It is one thing to restructure and reorganize due to a budget crisis and another to use that crisis to transform institutional structures in ways that could well jeopardize WVU’s academic quality and freedom while implementing exploitative labor conditions for faculty and staff for the foreseeable future. As stakeholders who care deeply about our students and the state of West Virginia, we urge the BOG to lead WVU toward more structurally sound solutions to the budget deficit.

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